

ASSEMBLY BILL

No. 1206

Introduced by Assembly Member Miller

February 27, 2009

An act to amend Section 422.55 of the Penal Code, relating to hate crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1206, as introduced, Miller. Hate crimes.

Existing law establishes the offense of a "hate crime" to mean a criminal act committed, in whole or in part, because of one or more actual or perceived characteristics, as specified, of the victim.

This bill would add to the list of actual or perceived characteristics, political affiliation.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 422.55 of the Penal Code is amended to
2 read:

1 422.55. For purposes of this title, and for purposes of all other
2 state law unless an explicit provision of law or the context clearly
3 requires a different meaning, the following shall apply:

4 (a) “Hate crime” means a criminal act committed, in whole or
5 in part, because of one or more of the following actual or perceived
6 characteristics of the victim:

7 (1) Disability.

8 (2) Gender.

9 (3) Nationality.

10 (4) Race or ethnicity.

11 (5) Religion.

12 (6) Sexual orientation.

13 (7) *Political affiliation*.

14 (8) Association with a person or group with one or more of these
15 actual or perceived characteristics.

16 (b) “Hate crime” includes, but is not limited to, a violation of
17 Section 422.6.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.